

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 84

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-909, IDAHO CODE, TO PROVIDE THAT CERTAIN ABATEMENT OF UNSAFE PUBLIC SCHOOL FACILITIES SHALL BE PERFORMED EXCLUSIVELY IN ACCORDANCE WITH CERTAIN REQUIREMENTS OF THE DIVISION OF BUILDING SAFETY, TO PROVIDE THAT THE IDAHO BUILDING CODE BOARD SHALL FUNCTION AS A BOARD OF APPEALS, TO PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, TO PROVIDE THAT THE RESPONSIBILITY FOR ENSURING SAFETY OF THE FACILITY OR PORTION OF THE FACILITY WILL BE RETURNED TO THE SCHOOL DISTRICT AND THAT RESPONSIBILITY FOR ENSURING CERTAIN COMPLIANCE WITH BUILDING CODES WILL BE RETURNED TO THE AUTHORITY HAVING JURISDICTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-909, Idaho Code, be, and the same is hereby amended to read as follows:

33-909. PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM -- FUND CREATED. (1) In fulfillment of the constitutional requirement to provide a general, uniform and thorough system of public, free common schools, it is the intent of the state of Idaho to advance its responsibility for providing a safe environment conducive to learning by providing a public school facilities funding program to enable qualifying school districts to address unsafe facilities identified as unsafe under the standards of the Idaho uniform school building safety act.

(2) Participation in the program, for the purpose of obtaining state financial support to abate identified school building safety hazards, requires submission of an application to the public school facilities cooperative funding program panel. Application can be made by:

(a) Any school district that has failed to approve at least one (1) or more bond levies for the repair, renovation or replacement of existing unsafe facilities, within the two (2) year period immediately preceding submission of the application; or

(b) The administrator of the division of building safety, for a school district that has failed to address identified unsafe facilities as provided in chapter 80, title 39, Idaho Code.

(3) There is hereby created within the office of the state board of education the Idaho public school facilities cooperative funding program panel, hereafter referred to as the panel. The panel shall consist of the administrator of the division of building safety, the administrator of the division of public works and the executive director of the state board of education, or a designee appointed by a panel member. It shall be the duty of the panel to consider all applications made to it, and to approve, modify or reject an application based on the most economical solution to the problem, as analyzed within a projected twenty (20) year time frame.

1 (4) The application shall contain the following information:

2 (a) The identified school building safety hazards and such other infor-  
3 mation necessary to document the deficiencies;

4 (b) The school district's plan for abating the defects, including costs  
5 and sources and amounts of revenue available to the school district;

6 (c) The market value for assessment purposes of the school district;  
7 and

8 (d) A detailed accounting of all bond and plant facility levies of the  
9 school district and the revenues raised by such levies.

10 For applications initiated by the administrator of the division of building  
11 safety pursuant to subsection (2) (b) of this section, the school district  
12 shall provide the information required in this subsection (4) if such infor-  
13 mation is not available to the administrator.

14 (5) If the panel determines that it requires additional plans and in-  
15 formation, it may authorize the expenditure of up to one hundred fifty thou-  
16 sand dollars (\$150,000) per application from the public school facilities  
17 cooperative fund for the procurement thereof. In considering an applica-  
18 tion, the panel shall determine whether the plan as proposed is acceptable,  
19 or is acceptable with modifications as determined by the panel, or should be  
20 rejected. If the application is approved or approved with modifications,  
21 any expenditures authorized by the panel pursuant to this subsection shall  
22 be added to the project. The panel shall notify the applicant of its deci-  
23 sion, in writing, within ninety (90) days of receiving the application. At  
24 the same time the panel notifies the applicant, the panel shall send noti-  
25 fication of an approved application or a modified application to the state  
26 board of education, along with the panel's specifications for the project  
27 and its cost.

28 (6) If an application received from a school district is accepted or  
29 modified by the panel, the local board of trustees of that school district,  
30 at the next election held pursuant to section 34-106, Idaho Code, shall sub-  
31 mit the question to the qualified electors of the school district of whether  
32 to approve a bond in the amount of the cost of the project as approved by the  
33 panel.

34 (7) Within thirty-five (35) calendar days of receiving notification  
35 from the panel that an application submitted by the administrator of the di-  
36 vision of building safety pursuant to subsection (2) (b) of this section has  
37 been approved or modified by the panel, or within thirty-five (35) calendar  
38 days of receiving certification from the panel that the question submitted  
39 to the electorate pursuant to subsection (6) of this section was not approved  
40 in the election, the state board of education shall appoint a district su-  
41 pervisor for interim state supervision of the local school district. The  
42 district supervisor shall be responsible for ensuring that the project, as  
43 approved by the panel, is completed and shall regularly report to the panel  
44 in a manner as determined by the panel upon approval of the project. The dis-  
45 trict supervisor shall also have the authority granted to said position by  
46 the provisions of section 6-2212, Idaho Code. A district supervisor's term  
47 of service shall continue for the duration of the project, and such person  
48 appointed as a district supervisor shall serve at the pleasure of the state  
49 board of education.

(8) The abatement of unsafe public school facilities through the public school facilities cooperative funding program shall be performed exclusively in accordance with the regular permitting, plan review and inspection requirements of the division of building safety. The Idaho building code board shall function as a board of appeals for the division of building safety for such construction in accordance with the provisions of section 39-4107, Idaho Code. Upon successful completion of the construction in accordance with applicable building codes, a certificate of occupancy shall be issued by the administrator of the division of building safety. Upon issuance of a certificate of occupancy, responsibility for ensuring the safety of the facility or portion thereof so constructed will then be returned to the school district and responsibility for ensuring subsequent compliance with building codes returned to the authority having jurisdiction.

(9) Upon approval of an application or a modified application submitted by the administrator of the division of building safety pursuant to subsection (2) (b) of this section, or upon receipt of certification from the county that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the panel shall certify the cost of the project, as approved by the panel, to the state department of education.

(a) The total cost of the project shall initially be paid by the state from the public school facilities cooperative fund. If the district supervisor determines that the amount approved by the panel is insufficient to complete the project in a satisfactory manner, the panel may request a legislative appropriation of additional moneys from the public school facilities cooperative fund. If such an appropriation is approved, these additional moneys shall be added to the cost of the project.

(b) The district's share of costs that may be repaid through the levy provisions of this section shall not exceed the district's share of bond payment costs as calculated for the bond levy equalization support program in the fiscal year in which the application is made. Interest shall be charged on the unpaid balance of the district's share of costs, as such balance exists at the end of each fiscal year, at the rate of interest earned by the state treasurer on the investment of idle funds in that fiscal year.

(c) It shall be the responsibility of the state department of education to calculate a state-authorized plant facilities levy rate in accordance with the provisions of subsection (9~~10~~) of this section, which, when imposed over a maximum period not to exceed twenty (20) years, may yield the revenues needed to repay the school district's share of the cost of the project.

(d) The levy rate calculated by the state department of education shall be certified by the department to the county or counties wherein the boundaries of the school district are contained, for assessment of the levy and collection of the revenues by such county or counties in the manner provided by law. The revenues collected by imposition of the state-authorized plant facilities levy shall be remitted to the state treasurer for deposit to the public school facilities cooperative fund.

1       (910) The annual state-authorized plant facilities levy rate shall be  
2 limited to the greater of:

3       (a) The difference between the school district's combined bond and  
4 plant facilities levy rates, and the statewide average bond and plant  
5 facility levy rates; or

6       (b) The statewide average plant facility levy rate.

7 The initial levy rate so calculated shall be established as the minimum levy  
8 rate that shall be imposed for the amount of time required to reimburse the  
9 state for the school district's share of the project cost, but not to exceed  
10 twenty (20) years, even if this period would not provide reimbursement of  
11 the entire amount of the school district's share of the cost of the project.  
12 The state department of education is authorized and directed to recalculate  
13 the levy rate on an annual basis and is authorized to increase or decrease  
14 the levy rate according to the scheduled payback, but the levy rate shall not  
15 be less than the levy rate initially imposed. Provided however, if the levy  
16 rate calculated is estimated to raise more money than would be necessary to  
17 repay the district's share of costs, then the state department of education  
18 shall certify to the county or counties wherein the boundaries of the school  
19 district are contained, the moneys necessary to repay the district's share  
20 of costs.

21       (101) There is hereby created in the state treasury a public school fa-  
22 cilities cooperative fund. The fund shall contain such moneys as may be di-  
23 rected pursuant to appropriation. Moneys in the fund shall be used exclu-  
24 sively to finance the public school facilities cooperative funding program  
25 and are hereby continuously appropriated for such purposes as authorized by  
26 this section. Moneys in the fund shall be invested by the state treasurer in  
27 the same manner as provided under section 67-1210, Idaho Code, with respect  
28 to other idle moneys in the state treasury. Interest earned on the invest-  
29 ments shall be credited to the school district building account.